

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, September 19, 2013 ~ 7:00 p.m.

SPECIAL MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Joyce Godere, Vice Chairman
Kenyon Gardner
Keith Kersey
Kathy Dunnett, Alt.
Donna Skaats, Alt.

ABSENT: Jerome Walsh, Alt.

ALSO PRESENT: Cheryl Straub, Court Stenographer
Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the September 19, 2013, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:06 p.m. He introduced the Board and then read the legal notice. Donna Skaats was activated as regular voting member.

2) Public Hearing for the following:

- a. **#ZBA-13-2673:** Steven Baccei, owner, 178 Deepwood Drive, Lebanon, CT, 06249, Assessors Map 104, Lot 155. Variance from Sec. 5.2 to reduce rear yard setback from edge of the lake from 75 feet required to 21 feet 9 inches at closest point requested for existing hot tub on paver patio.

Chairman Walsh entered the following exhibits into the hearing record:

- a) Legal Notice; b) Two-page application; c) Copy of deed; d) Assessors Street Card Map 104, Lot 155; e) Assessors Map 104, Lot 155; f) Site plan revision date 8/13/13 prepared by Rob Hellstrom Land Surveying LLC, 32 Main Street, Hebron, CT, showing existing house, garage, impervious walks & patios; g) Abutter's List; h) Certified mail receipts and return receipt cards (collectively); i) Letter dated 9/16/13, to ZBA from David & Michelle Bareiss, 151 Deepwood Drive, Lebanon, CT, in favor of application; j) Letter dated 9/17/13 to ZBA from Jennifer & Niles Gold, 177 Deepwood Drive, Lebanon, CT in favor of application; k) Letter dated 9/17/13 to ZBA from Sandra & Anthony Rigazio-Digilio, 190 Deepwood Drive, Lebanon, CT in favor of application.

Steven Baccei was sworn in and gave brief history of this family owned property. Mr. Baccei then submitted the following exhibits, which Chairman Walsh labeled and entered into the record:

l) Medical documentation for Donna & James Baccei; m) Topographical maps; n) Photographs (collectively); o) Original site map showing topographical lines.

Mr. Baccei stated that the paver patio was approved by Mr. Chester, Town Planner upon submission of final as-built submitted for certificate of occupancy in June, 2013. The hot tub was discovered on a site inspection by Mr. Chester. Mr. Baccei stated this hot tub was installed on top of the approved paver patio, unaware that the hot tub was classified as a structure and needed town approval. He stated hardships include the steep slope of the lot, limited alternative locations for placement and documentation stating the hot tub is medically necessary for his parents who live with him. He felt placing the hot tub on the deck was not an option, blocking pathways for safety egress and main traffic area from the house. The deck would not support the 60 lb. tub and filled with water weighs 7,000 lbs. The hot tub would not contain any contaminants and it would never be drained into the lake. Mr. Baccei did further research and also contacted the State of Connecticut DEP to retrieve information on safe discharge practices for tubs and pools. Additional items were labeled and submitted as exhibits:

p) Environmental Service; q) Hot tub specifications; r) DEP wastewater discharge guidelines.

Public Comment:

- Sheri-Ann Martin, Amston Lake Board of Directors. Concerned that drainage from the hot tub would be damaging to the lake and thinks the tub should be connected to the public sewer system.
- David & Michelle Bareiss, 151 Deepwood Drive, in favor of application.
- Janet Sola, 186 Deepwood Drive, in favor of application

With no further comments from the audience, Ms. Skaats made a motion to close the public hearing for application #ZBA-13-2673. Motion seconded by Vice Chair Godere and unanimously approved.

Chairman Walsh read the Record of Decision procedures according to the Connecticut General Statutes.

- b. **#ZBA-13-2747:** Michael Buchas, 56 Constitution Street, Wallingford, CT, 06492, owner, for property at 500 Deepwood Drive, Lebanon, CT, 06249, Assessors Map 105, Lot 174. Variance from Sec. 5.2 to reduce side yard setback in the lake zone from 10 feet required to 3 feet requested for construction of addition.

Chairman Walsh entered the following exhibits into the hearing record:

a) Legal Notice; b) Two-page application; b) Copy of deed; d) Assessors Street Card Map 105 Lot 174; e) Assessors Map 105, Lot 174; f) Plot plan revision dated 7/30/2013 prepared by Connecticut Consulting Engineers LLC, 1 Prestige Drive, Meriden, CT, showing proposed addition; g) Building plan; h) abutters list; i) Certified mail receipts and return receipt cards (collectively).

John Fiderio, builder, present on behalf of owners, Mr. & Mrs. Buchas also present, all sworn in.

Property is a non-conforming lot. Stated hardships include large boulder on one side of the house and a sewer easement on the opposite side of this triangle shaped lot. Owner's intention is to convert property to year round use for retirement.

Sheri-Ann Martin, on behalf of Amston Lake Association will waive notice requirement to the Amston Lake Association.

With no further comments from the audience, Vice Chair Godere made a motion to close the public hearing for application #ZBA-13-2747. Motion seconded by Mr. Kersey and unanimously approved.

3) Adjournment:

Vice Chair Godere made a motion to adjourn, seconded by Mr. Gardner. Unanimously approved and the special meeting adjourned at 7:50 p.m.

Holli E. Pianka
Recording Secretary
September 26, 2013

(Minutes are unapproved as of transcription date.)

**TOWN OF
LEBANON
ZONING BOARD OF APPEALS**
Thursday, September 19, 2013 ~ 7:00 p.m.

REGULAR MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Joyce Godere, Vice Chairman
Kenyon Gardner
Keith Kersey
Kathy Dunnett, Alt.
Donna Skaats, Alt.
Jerome Walsh, Alt.

ABSENT: Jerome Walsh, Alt.

ALSO PRESENT: Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the September 19, 2013, Regular Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:52 p.m.

2) Discuss and Act on Public Hearings:

- a. **#ZBA-13-2673:** Steven Baccei, owner, 178 Deepwood Drive, Lebanon, CT, 06249, Assessors Map 104, Lot 155. Variance from Sec. 5.2 to reduce rear yard setback from edge of the lake from 75 feet required to 21 feet 9 inches at closest point requested for existing hot tub on paver patio.

Mr. Kersey stated that he understands the medical hardship. Member discussion included the large size of the tub, the proximity of the tub to the lake and possible drainage of contents into lake. Members felt that even if this owner stated he would not drain the hot tub into the lake, a future owner could and there are no regulations for monitoring this. Ms. Skaats felt the hot tub is more for recreational use and should have been placed in another location, either on the deck or in the house when it was being constructed. Some members felt there was no valid hardship.

Mr. Kersey made a motion to approve application #ZBA-13-2673, seconded by Joyce Godere. Vote: (2) In favor (Kersey, Godere), (3) Opposed (Skaats, Gardner, Walsh)—Denied.

- b. **#ZBA-13-2747:** Michael Buchas, 56 Constitution Street, Wallingford, CT, 06492, owner, for property at 500 Deepwood Drive, Lebanon, CT, 06249, Assessors Map 105, Lot 174. Variance from Sec. 5.2 to reduce side yard setback in the lake zone from 10 feet required to 3 feet requested for construction of addition.

Mr. Kersey stated the proposed work would be a lesser violation, reducing the existing non-conformity of this pie-shaped lot. There was no objection by members and it was agreed the request was minimal and would not impact the overall plan of development and zoning.

Mr. Gardner made a motion to approve application #ZBA-13-2747, Ms. Godere seconded. Motion unanimously approved.

3) Approval of Minutes of Previous Meetings:

- a. March 21, 2013 ~Special Meeting Minutes
Vice Chair Godere made a motion to approve, Chairman Walsh seconded, and the Board unanimously voted to approve the minutes as presented.
- b. March 21, 2013 ~Regular Meeting Minutes
Vice Chair Godere made a motion to approve, Mr. Gardner seconded, and the Board unanimously voted to approve the minutes as presented.

4) Old Business: None.

5) New Business:

- a) Vice Chair Godere made a motion to accept the proposed 2014 ZBA Calendar of Meeting Dates, Mr. Gardner seconded. Unanimously approved.
- b) The board discussed creating policy for application fee reimbursement requests. Chairman Walsh made a motion to propose the following fee reimbursement policy for the Board of Selectmen review:

“Upon written request by the application, the board will return a portion of fees unincurred, including the state land use fee and up to fifty percent of the town fee if the application is withdrawn prior to the public hearing.”

The motion was seconded by Mr. Gardner and unanimously approved. The policy will be forwarded to the Board of Selectmen for review.

- c) Chairman Walsh was notified that the Lebanon Democratic Town Committee recommended Michael Okonuk to be appointed to the board to fill a vacancy due to resignation of regular member Don Anderson. Chairman Walsh made a motion to make a recommendation to the Board of Selectmen that Michael Okonuk be appointed as regular member of Zoning Board of Appeals to fill the vacancy. Vice Chair Godere seconded the motion. Unanimously approved.

- d) Members discussed the recently revised zoning regulations and the new Village Districts. Language in these sections removes the right of the ZBA to grant use variances in these districts which violates state statute. Ms. Skaats made a motion authorizing Chairman Walsh to draft a letter from the ZBA to the Planning & Zoning Commission requesting PZC to update this section. Motion seconded by Keith Kersey. Unanimously approved.

6) Bills:

- a) Murtha Cullina LLP, Invoice #462454, \$1,935.00; Invoice #464909, \$45.00
Ms. Skaats made a motion to pay bills in the amount of \$1,980.00, seconded by Mr. Anderson. Motion unanimously approved.

7) Correspondence: CFPZA Newsletter.

8) Adjournment:

With no further business, Vice Chair Godere made a motion to adjourn, Mr. Gardner seconded, and the Board unanimously voted to adjourn the meeting at 8:45 p.m.

Holli E. Pianka, Recording Secretary
September 26, 2013

(Minutes are unapproved as of transcription date.)